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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEMETRIOS VORGAS,
Plaintiff,

NO: 1:21-CV-03013-SAB

v.

**PLAINTIFF DEMETRIOS
VORGAS' SUPPLEMENTAL
INITIAL DISCLOSURES RE:
DAMAGES**

COMMUNITY HEALTH OF CENTRAL
WASHINGTON
Defendants.

Plaintiff Demetrios Vorgias ("Plaintiff" or "Vorgias") hereby provides the following
Supplemental Initial Disclosures RE: Damages pursuant to Federal Rule of Civil Procedure 26:

*(iii) a computation of each category of damages claimed by the
disclosing party – who must also make available for inspection and copying as under Rule
34 the documents or other evidentiary material, unless privileged or protected from
disclosure, on which each computation is based, including materials bearing on the nature
and extent of injuries suffered:*

1. Compensatory damages in the minimum amount of \$1,000,000;
2. For punitive and exemplary damages according to proof;

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3. An order placing Plaintiff in the position that he would have been had there been no violation of his rights;

4. An order enjoining/restraining Defendant from further acts of discrimination or retaliation;

5. An award of interest, costs, and reasonable attorney's fees;

6. Any and all other remedies provided pursuant to the ADA and WLAD;

7. Any other appropriate nondiscriminatory measures to overcome the above-described discrimination; and

8. For such other and further relief as the Court deems just and proper.

[SUPPLEMENTAL INITIAL DISCLOSURES]

EARNING CAPACITY EVALUATION & EXHIBITS USED TO SUMMARIZE OR SUPPORT OPINIONS

Earning Capacity Analysis

To properly assess loss of earning capacity, there are several data sets that help describe Earning Capacity. Several data points and sources are used to define the data sets of Actual Past Earnings, Pre-Termination Earning Capacity, Past Lost Earnings (since the date of termination), Post-Termination Diminished Earning Capacity, and Post-Termination Mitigating Earnings Losses.

Actual Past Earnings (Pre-Termination) & Past Lost Earnings. The facts and data on file illustrate Dr. Vorgias' actual earnings while at CWFM was \$43,858.30. Would they have kept him on at the clinic for the full year, he would have earned \$52,630.00. He therefore lost \$8,771.70 in earnings for his first year of medical residency.

Tax Year	Actual Earnings	Estimated Earning Capacity	Past Loss Earnings
2018 1 st year residency	\$43,858.30	\$52,630.00/Year (\$4,385.83/Month)	<u>-\$8,772.00</u>

Estimated Earning Capacity During Medical Residency & Past Lost Earnings.

Tax Year	Estimated Earnings Capacity	Past Loss Earnings
2019 2 nd year residency	\$55,080.00	<u>-\$55,080.00</u>
2020 3 rd year residency	\$58,450.00	<u>-\$58,450.00</u>

Earning Capacity Post-Medical Residency.May 2020 - U.S. NATIONAL (USDOL-BLS) Occupational Employment and Wage Survey for Family Physician (OEWS):

Hourly - 10%ile = \$38.28 Weekly - 10%ile = \$1,531 Annual - 10%ile = \$79,610
 Hourly - 25%ile = \$71.31 Weekly - 25%ile = \$2,852 Annual - 25%ile = \$148,320
 Hourly - 50%ile = \$99.70 Weekly - 50%ile = \$3,988 Annual - 50%ile = \$207,380
 Hourly - 75%ile = No Data Weekly - 75%ile = No Data Annual - 75%ile = No Data
 Hourly - 90%ile = No Data Weekly - 90%ile = No Data Annual - 90%ile = No Data

National Wage Survey Data from Salary.Com for 2020 for Family Physicians-With Sign-On Bonus:

Salary.com: Physician - Family Practice Salary+Bonus by Percentile

PERCENTILE	SALARY	LOCATION	LAST UPDATED
10th Percentile Physician - Family Practice Salary + Bonus	\$181,260	WA	September 27, 2021
25th Percentile Physician - Family Practice Salary + Bonus	\$206,399	WA	September 27, 2021
50th Percentile Physician - Family Practice Salary + Bonus	\$234,012	WA	September 27, 2021
75th Percentile Physician - Family Practice Salary + Bonus	\$271,366	WA	September 27, 2021
90th Percentile Physician - Family Practice Salary + Bonus	\$305,376	WA	September 27, 2021

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Salary.com: Physician - Family Practice Salary+Bonus by Percentile

PERCENTILE	SALARY	LOCATION	LAST UPDATED
10th Percentile Physician - Family Practice Salary + Bonus	\$160,860	Jacksonville,FL	September 27, 2021
25th Percentile Physician - Family Practice Salary + Bonus	\$183,170	Jacksonville,FL	September 27, 2021
50th Percentile Physician - Family Practice Salary + Bonus	\$207,674	Jacksonville,FL	September 27, 2021
75th Percentile Physician - Family Practice Salary + Bonus	\$240,825	Jacksonville,FL	September 27, 2021
90th Percentile Physician - Family Practice Salary + Bonus	\$271,007	Jacksonville,FL	September 27, 2021

Due to COVID virus pandemic and the strain it has put on medical institutions and professionals, there is a high demand and low supply of physicians as well as other medically trained personnel available. This scenario drives up starting salaries. Most institutions are offering sign-on bonuses for newly graduated physicians, physicians without licenses in states where supply is very low, and for those physicians who have some years of experience in the field. I have shown the OEWS statistics for physicians on a national basis and it does not show the 75% or the 90% likely because that is changing rapidly during this COVID pandemic. I also used Salary.com, a private source who publishes wages and salaries for family practice physicians.

The table below depicts salaries starting at the 50% percentile through the 90%. It is my opinion based on salary research, high demand for new physicians, and current low supply of physicians available, that there are a large number of employers who would hire new physicians at the 50% and the 75%, depending on how urgent their need is. Currently the need is high in almost all states.

The USDOL-BLS OEWS data provides a baseline for family physician salaries, however, Salary.com provides a more boots on the ground reality of what family physicians are being paid at completion of their medical residency.

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Location & Data Source	50%	75%	90%
National/OEWS data	\$207,380	NA	NA
Washington/Salary.com	\$234,012	\$271,366	\$305,376
Florida/Salary.com	\$207,674	\$240,825	\$271,007
Average	\$216,355	\$256,095	\$288,191
Most probable starting wage:		\$256,095	

Diminished Earning Capacity (Salary + Benefits)

It is estimated that it may take another entire year from today's date before Dr. Vorgias could be matched for a new medical residency clinic. It is not certain that he will be able to match again based on how CWFM handled the termination of his first-year medical residency. But assuming he can, there will be diminished earnings losses from 2021 through 2024, at which time Dr. Vorgias would complete his third-year residency.

A 5% cost of living increase is calculated for every year after 2021. An additional \$500 will be added to the benefits value every year after 2021 due to inflation, cost of managed health care increases and production/merit increases. Additional losses are appropriate to consider if present value calculation and delayed earnings losses are considered.

Tax Year	Earning Capacity	Benefits 25%	Total Earning Capacity	Expected Earnings	Diminished Earning Capacity
2021	\$256,095	\$64,023	\$320,118	\$00.00	\$320,118
2022	\$282,345	\$64,523	\$346,868	\$55,080	\$291,788
2023	\$296,462	\$65,023	\$361,485	\$58,450	\$303,035
2024	\$311,285	\$65,523	\$376,808	\$320,118	\$56,690
2025	\$326,849	\$66,023	\$392,872	\$346,868	\$46,004
2026	\$343,191	\$66,523	\$409,714	\$361,485	\$48,229
2027	\$360,351	\$67,023	\$427,374	\$376,808	\$50,566
Total Diminished Earning Capacity					<u>\$1,116,430.00</u>

LOSSES, HARMS, & DAMAGES

Past Lost Wages	\$122,302.00
Diminished Earning Capacity Loss	\$1,116,430.00
Pain and Suffering-general damages	\$ to be determined by jury
Total Losses & Damages:	\$1,238,732.00 (not including non-economic/general damages as determined by jury)

[END SUPPLEMENTAL INITIAL DISCLOSURES]

Plaintiff expressly reserves the right to supplement this disclosure as any additional information may become known during the discovery stage of this matter.

Dated this 19th day of November, 2021.

s/ William D. Pickett
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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2021, I electronically served a true and correct copy of the following document(s): **PLAINTIFF DEMETRIOS VORGIAS' SUPPLEMENTAL INITIAL DISCLOSURES.**

On the parties in this action, through their attorneys of record, address for service on the persons below:

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Attorneys for Defendant

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct and that his Certificate of Service was executed on:

DATED at Yakima, Washington, this 19th day of November, 2021.

By: s/ William D. Pickett
William D. Pickett, WSBA NO. 27867

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